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UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, DC 20005	ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _12 November 2003_.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-20_ is/are pending in the application.

　　 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-20_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　 a) ☐ All　b) ☐ Some *　c) ☐ None of:

　　　 1. ☐ Certified copies of the priority documents have been received.

　　　 2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
　　 Paper No(s)/Mail Date _See Continuation Sheet_.

4) ☐ Interview Summary (PTO-413)
　　 Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :7/13/2007, 8/30/2007 &10/24/2007.

DETAILED ACTION

The following is a non-final office action in response to the communications

received on 11/12/2003 Claims 1-20 are now pending in this application.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section
> 122(b), by another filed in the United States before the invention by the applicant for patent or
> (2) a patent granted on an application for patent by another filed in the United States before
> the invention by the applicant for patent, except that an international application filed under
> the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an
> application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 2, 5, 6, 7, 9, 10, 13, 15, 16 & 19 are rejected under 35

U.S.C. 102(e) as being anticipated by Smith 2003/004780.

As per claim 1, Smith 2003/004780   shows a system for forecasting weather-

based demand, comprising: a recombination processor;

wherein: said recombination processor is configured to receive weather metric

data ("The weather module 103 sends weather requests 209 to the weather

information   provider.   ("Weather   information   provider   105   translates

meteorological data into variables 201 that may be used in the weather module

103." Smith 2003/004780 ¶ [0029]);

said recombination processor is configured to receive a weather factor relationship knowledgebase ("Weather information provider 105 translates meteorological data into variables 201 that may be used in the weather module 103." Smith 2003/004780 ¶ [0029]); and

said recombination processor is configured to produce normalized weather factor metric data ("With respect to data provided by weather information provider 105a and 105b, certain information may be used by weather module 103a and 103b and/or enterprise system 101a and 101b in order to provide specific analysis. Relevant meteorological information should be on a time and geographic scale commensurate with the decision maker's (user's) needs." Smith 2003/004780 ¶ [0035])

As per claim 2 Smith 2003/004780 shows a system of claim 1, wherein said weather factor relationship knowledge base is a weather-impact model ("Scientific and technological advances in the fields of meteorological observations, modeling, forecasting, and use of information have resulted in informational products of known accuracy to various degrees. Such informational products range in time scales from the immediate present to years in advance and from spatial scales from a particular point to continents across the globe. Advances in predictability provide the potential for businesses to proactively mange their sensitivities to weather." Smith 2003/004780 ¶ [0020])

As per claim 5, Smith 2003/004780 shows a system of claim 4, wherein said normalized proxy sales history data are derived from at least one of old sales history data for a product from an entity, sales history data for said product from a second entity, sales history data for said product from an outside source, sales history data for a category that includes said product, and sales history data for a proxy product that has a similar weather-based demand relationship as said product.

"The weather module may provide information relevant to component business processes of the enterprise system(s) based on meteorological and climatological information. Meteorological information generally refers to predictive or recent weather information, while climatological information generally refers to historical weather information." Smith 2003/004780 ¶ [0017]

As per claim 6, Smith 2003/004780 further teaches a system of claim 1, further comprising a volatility scaling processor; wherein:

said volatility scaling processor is configured to receive said normalized weather factor metric data;

said volatility scaling processor is configured to receive volatility scale factor data; and

said volatility scaling processor is configured to produce scaled weather factor metric data. ("Such informational products range in time scales from the immediate present to years in advance and from spatial scales from a particular point to continents across the globe. Advances in predictability provide the

potential for businesses to proactively mange their sensitivities to weather. "Smith 2003/004780 ¶ [0043]) and ("Beyond the forecast time horizon, the weather module may use the climatological database as the sole source of information to calculate the probability of weather events. However, it is also possible that the weather module uses the information provided by the weather information provider to predict whether a threshold is or may be exceeded within the forecast time horizon, and use information in the climatological database to help calculate the probability, or accuracy, of the prediction." Smith 2003/004780 ¶ [0043])

As per claim 7, Smith 2003/004780 further teaches a system of claim 6, further comprising a deaggregation processor; wherein: said deaggregation processor is configured to receive said scaled weather factor metric data;
said deaggregation processor is configured to receive deaggregation data; and said deaggregation processor is configured to produce deaggregated weather factor metric data. ("Weather information provider 105 translates meteorological data into variables 201 that may be used in the weather module 103. Enterprise system 101 translates user-defined thresholds and probability criteria 203 for particular actions related to component business processes 113 (FIG. 1) into variables that may be used in the enterprise planning system. The enterprise system 101 then communicates information 205 to weather module 103, which analyzes the data provided and communicates results 207 of the analysis to enterprise planning system 101 in order to incorporate weather information into

component business processes. The weather module 103 sends weather requests 209 to the weather information provider. Each weather request may be a one time request on an as needed basis, or it may be a request for types of information (precipitation amount, wind direction, wind speed, etc.) that the weather module should receive from the weather information provider on a continued basis. Smith 2003/004780 ¶ [0029])

As per claim 9 Smith 2003/004780 shows a method for forecasting weather-based demand, comprising the steps of:

(1) receiving weather metrics data;

(2) receiving a weather factor relationship knowledgebase; and

(3) forecasting the weather-based demand by using the weather metrics data and the weather factor relationship knowledgebase. ("With respect to data provided by weather information provider 105a and 105b, certain information may be used by weather module 103a and 103b and/or enterprise system 101a and 101b in order to provide specific analysis. Relevant meteorological information should be on a time and geographic scale commensurate with the decision maker's (user's) needs." Smith 2003/004780 ¶ [0035])

As per claim 10, Smith 2003/004780 shows a method of claim 9, wherein the weather factor relationship knowledgebase is a weather-impact model. ("Weather information provider 105 translates meteorological data into variables 201 that may be used in the weather module 103." Smith 2003/004780 ¶ [0029]);

As per claim 13, Smith 2003/004780 shows a method of claim 9, further comprising the step of: scaling the weather-based demand. ("Beyond the forecast time horizon, the weather module may use the climatological database as the sole source of information to calculate the probability of weather events. However, it is also possible that the weather module uses the information provided by the weather information provider to predict whether a threshold is or may be exceeded within the forecast time horizon, and use information in the climatological database to help calculate the probability, or accuracy, of the prediction." Smith 2003/004780 ¶ [0043])

As per claim 15, Smith 2003/004780 shows a computer program product for forecasting weather-based demand, said computer program product having computer program code means embodied in a computer useable medium, said computer program code means comprising:

a first program code means for receiving weather metrics data;

a second program code means for receiving a weather factor relationship knowledgebase; and

a third program code means for forecasting the weather-based demand by using the weather metrics data and the weather factor relationship knowledgebase. ("With respect to data provided by weather information provider 105a and 105b, certain information may be used by weather module 103a and 103b and/or enterprise system 101a and 101b in order to provide specific analysis. Relevant

meteorological information should be on a time and geographic scale commensurate with the decision maker's (user's) needs." Smith 2003/004780 ¶ [0035])

As per claim 16, Smith 2003/004780 shows a computer program product of claim 15, wherein the weather factor relationship knowledgebase is a weather-impact model. ("Weather information provider 105 translates meteorological data into variables 201 that may be used in the weather module 103." Smith 2003/004780 ¶ [0029])

As per claim 19, Smith 2003/004780 shows a computer program product of claim 15, further comprising: a fourth program code means for scaling the weather-based demand. ("Beyond the forecast time horizon, the weather module may use the climatological database as the sole source of information to calculate the probability of weather events. However, it is also possible that the weather module uses the information provided by the weather information provider to predict whether a threshold is or may be exceeded within the forecast time horizon, and use information in the climatological database to help calculate the probability, or accuracy, of the prediction." Smith 2003/004780 ¶ [0043])

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 3, 4, 8, 11, 12, 14, 17, 18 & 20 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Smith 2003/004780 in view of Phillips 6,473,084 B1.

As per claim 3, Smith 2003/004780 shows a system of claim 2,

Smith 2003/004780 fails to show a weather-impact model comprising at least one

of an empirical scoring matrix, a weather indices' template, and a proxy model

conditions template

Phillips 6,473,084 B1 teaches "In the preferred embodiment of the invention,

vectors of forecasts for each individual are used as the columns in a matrix, with

each row associated with a particular forecast date." (Phillips 6,473,084 B1 col.

44 lines 54-57). It would have been obvious to one of ordinary skill in the art at

the time of the invention to modify the invention of Smith 2003/004780 to include

an empirical scoring matrix for forecasting in order to " group data points so that

the groups are as much alike as they can reasonably be, but also so the groups

are as reasonably different from other groups as they can be." Phillips 6,473,084

B1 col. 44 lines 46-49)

As per claim 4, Smith 2003/004780 shows a system of claim 2.

Smith 2003/004780 fails to explicitly show the analysis of proxy sales data.

The examiner takes official notice that the use of proxy data is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Smith 2003/004780 to include the analysis of proxy data since the data in a proxy set more complete and covers a longer time frame than that of the sales data set.

As per claim 8 Smith 2003/004780 shows a system of claim 1, further comprising a deaggregation processor; wherein:

said deaggregation processor is configured to receive said normalized weather factor metric data;

said deaggregation processor is configured to receive deaggregation data; and said deaggregation processor is configured to produce deaggregated weather factor metric data. ("Weather information provider 105 translates meteorological data into variables 201 that may be used in the weather module 103. Enterprise system 101 translates user-defined thresholds and probability criteria 203 for particular actions related to component business processes 113 (FIG. 1) into variables that may be used in the enterprise planning system. The enterprise system 101 then communicates information 205 to weather module 103, which analyzes the data provided and communicates results 207 of the analysis to enterprise planning system 101 in order to incorporate weather information into component business processes. The weather module 103 sends weather requests 209 to the weather information provider. Each weather request may be

a one time request on an as needed basis, or it may be a request for types of information (precipitation amount, wind direction, wind speed, etc.) that the weather module should receive from the weather information provider on a continued basis. Smith 2003/004780 ¶ [0029])

Smith 2003/004780 fails to explicitly show data normalization.

Phillips 6,473,084 B teaches ("Each user's IB then preferably is divided by the count of the number of items that the user rated during the Assessment Period to generate an "Intensity Weight (IW)". The point values assigned by a user (either for access alone, ratings alone or both) are then multiplied by the Intensity Weight to generate modified points." Phillips 6,473,084 B col. 41 lines 31-35)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Smith 2003/004780 to include normalization of data since "users whose ratings exhibit a bias relative to the norm might be adjusted so that the user's central tendency is more aligned with the group norm. Phillips 6,473,084 B col. 41 lines 52-55)

As per claim 11, Smith 2003/004780 shows a method of claim 10, wherein the weather-impact model comprises at least one of an empirical scoring matrix, a weather indices template, and a proxy model conditions template.

Smith 2003/004780 fails to show a weather-impact model comprising at least one of an empirical scoring matrix, a weather indices' template, and a proxy model conditions template

Phillips 6,473,084 B1 teaches "In the preferred embodiment of the invention, vectors of forecasts for each individual are used as the columns in a matrix, with each row associated with a particular forecast date." (Phillips 6,473,084 B1 col. 44 lines 54-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Smith 2003/004780 to include an empirical scoring matrix for forecasting in order to " group data points so that the groups are as much alike as they can reasonably be, but also so the groups are as reasonably different from other groups as they can be." Phillips 6,473,084 B1 col. 44 lines 46-49)

As per claim 12, Smith 2003/004780 shows a method of claim 10, wherein the weather-impact model is derived from an analysis of normalized proxy sales history data.

Smith 2003/004780 fails to explicitly show the analysis of proxy sales data.

The examiner takes official notice that the use of proxy data is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Smith 2003/004780 to include the analysis of proxy data since the data in a proxy set more complete and covers a longer time frame than that of the sales data set.

As per claim 14, Smith 2003/004780 shows a method of claim 9,

Smith 2003/004780: fails to explicitly show deaggregating the weather-based demand.

Phillips 6,473,084 teaches "Additional features of the invention include: also displaying on the same graph historical values for other variables; providing the ability to display the historical data and/or the predicted value for the prediction variable with respect to a different independent variable than in the initial graph; displaying multiple variables on an initial graph in a first view (e.g., a time series view) and then permitting the participant to obtain a view that is a rotation of the first view (e.g., a cross-maturity comparison view " Phillips 6,473,084 col. 9, lines 39-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Smith 2003/004780 to include deaggregation of weather-based demand data in order to provide the ability to display the historical data and/or the predicted value for the prediction variable with respect to a different independent variable than in the initial graph (Phillips 6,473,084 B1 col. 9, line 41-43)

As per claim 17, Smith 2003/004780 shows a computer program product of claim 16,

Smith 2003/004780 fails to show a weather-impact model comprising at least one of an empirical scoring matrix, a weather indices' template, and a proxy model conditions template

Phillips 6,473,084 B1 teaches "In the preferred embodiment of the invention, vectors of forecasts for each individual are used as the columns in a matrix, with each row associated with a particular forecast date." (Phillips 6,473,084 B1 col. 44 lines 54-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Smith 2003/004780 to include an empirical scoring matrix for forecasting in order to " group data points so that the groups are as much alike as they can reasonably be, but also so the groups are as reasonably different from other groups as they can be." Phillips 6,473,084 B1 col. 44 lines 46-49)

As per claim 18, Smith 2003/004780 shows a computer program product of claim 16.

Smith 2003/004780 fails to explicitly show the analysis of proxy sales data.

The examiner takes official notice that the use of proxy data is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Smith 2003/004780 to include the analysis of proxy data since the data in a proxy set more complete and covers a longer time frame than that of the sales data set.

As per claim 20, Smith 2003/004780 shows a computer program product of claim 15.

Smith 2003/004780: fails to explicitly show deaggregating the weather-based demand.

Phillips 6,473,084 teaches "Additional features of the invention include: also displaying on the same graph historical values for other variables; providing the ability to display the historical data and/or the predicted value for the prediction variable with respect to a different independent variable than in the initial graph; Sdisplaying multiple variables on an initial graph in a first view (e.g., a time series view) and then permitting the participant to obtain a view that is a rotation of the first view (e.g., a cross-maturity comparison view " Phillips 6,473,084 col. 9, lines 39-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Smith 2003/004780 to include deaggregation of weather-based demand data in order to provide the ability to display the historical data and/or the predicted value for the prediction variable with respect to a different independent variable than in the initial graph (Phillips 6,473,084 B1 col. 9, line 41-43)

Conclusion

5.   The following is prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Corby (US Pub. 2002/0032644 A1) shows a system and method for valuating weather-based financial instruments including weather futures, options, swaps,

and the like. The system includes weather forecast, weather history, and financial databases. Also included in the system is a central processing trading server that is accessible via a plurality of internal and external workstations. The workstations provide a graphical user interface for users to enter a series of inputs and receive information (i.e., output) concerning a financial instrument. The method involves collecting the series of inputs--start date, maturity date, geographic location(s), risk-free rate, and base weather condition--affecting the value of the financial instrument and applying a pricing model modified to account for weather.

Billet (US Pub. 2002/0194148 A1) shows a method and system for forecasting using pattern recognition and extension software. Models of the present invention select patterns from a library that match historical data and extend them into the future to make forecasts that can be used with a variety of predictive technologies.

Parker (US Pub. 2003/0126155 A1) a tradable investment index and method for weather futures, comprised of weather data transformed using the steps of extracting historical weather data, including weather measures such as precipitation, wind speed, temperature and sunshine hours, providing the weather data to a computer database, operating on the values in the database using a computer and software program, and transforming the resulting set into

an index, which is tradable in the financial, weather derivative or insurance markets.

Fox (US 5,796,932) shows a graphical user interface (GUI) for use in an Executive Information System (EIS) for managerial planning applications that experience long-range weather impact. The EIS is referred to as a Long-range Executive Weather Information System (LEWIS.TM.). In a preferred embodiment of the present invention, the LEWIS.TM. system is used to calculate and display to a user the impact of weather on retail planning applications. However, the present invention applies to all industries beyond retailing that experience weather impact, including, but not limited to, personal care, utilities, energy, agriculture, consumer products, insurance, transportation, outdoor events, chemicals, pharmaceutical, and construction.

Lange (6,321,212) shows a method and system for trading and investing in groups of demand-based adjustable-return contingent claims, and for establishing markets and exchanges for such claims. The advantages of the present invention, as applied to the derivative securities and similar financial markets, include increased liquidity, reduced credit risk, improved information aggregation, increased price transparency, reduced settlement or clearing costs, reduced hedging costs, reduced model risk, reduced event risk, increased liquidity incentives, improved self-consistency, reduced influence by market makers, and increased ability to generate and replicate arbitrary payout

distributions, In addition to the trading of derivative securities, the present invention also facilitates the trading of other financial-related contingent claims; non-financial-related contingent claims such as energy, commodity, and weather derivatives; traditional insurance and reinsurance contracts; and contingent claims relating to events which have generally not been readily insurable or hedgeable such as corporate earnings announcements, future semiconductor demand, and changes in technology.

Gotschall, Mary G. "New Financial Tools Can Help Protect Utility Revenues from Weather-related Risk." shows applications of weather risk management.

Banham, Russ "Reinsurers seek relief in computer prediction" teaches the use of licensed software for weather prediction and its financial impact.

Zeng, Lixin "Pricing Weather Derivatives" teaches the use of weather derivatives for hedging against weather impact.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald C. Vizvary whose telephone number is 571-270-3268. The examiner can normally be reached on Monday thru Friday.
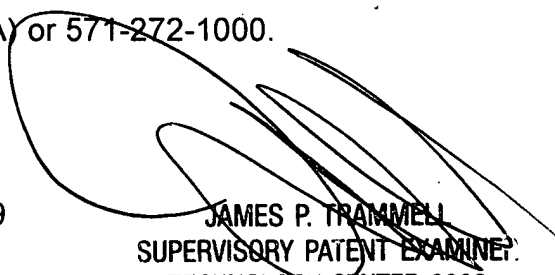
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammel can be reached on 571-272-6712. The fax phone

number for the organization where this application or proceeding is assigned is

571-270-4268.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

Gerald Vizvary
Patent Examiner, A.U. 3609
January 7, 2008

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